

United States Patent and Trademark Office



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

	APPLICATION NO.	FILIN	G DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,323		07/14/2003		Lisa K. Jennings	20609/241 (PD 02036/02037	8249
	7590 11/30/2006		11/30/2006	EXAM		MINER
	Edwin V. Mer	kel		HADDAD, MAHER M		
NIXON PEABODY LLP					APTIBIT	PAPER NUMBER
	Clinton Square				ART UNIT	PAPER NUMBER
	P.O. Box 31051			1644		
	Rochester, NY	14603		DATE MAILED: 11/30/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner			Application No.	Applicant(s)					
## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION **a SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION **a set 9 X6 (90 MONTHS for the paring date of his communication.** If NO period for reply is beneficial above, the maximum statulation period will apply and will expire SIX (8) MONTHS from the maining date of this communication. ## NO period for reply is beneficial above, the maximum statulation period will apply and will expire SIX (8) MONTHS from the maining date of this communication. ## IN Depticial for reply is beneficial above, the maximum statulation period will apply and will expire SIX (8) MONTHS from the maining date of this communication. ## IN Depticial for reply is beneficial above, the maximum statulation period will apply and will expire SIX (8) MONTHS from the maining date of this communication. ## IN Depticial for reply is beneficial above, the maximum statulation period will apply and will expire SIX (8) MONTHS from the maining date of this communication. ## IN Depticial for reply is beneficial above, the maximum statulation period will be application is period to communication. ## IN Depticial for reply is beneficial above, the maximum statulation period will be application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. ## IN Disposition of Claims ## IN Disposition of D		· · · · · · · · · · · · · · · · · · ·	10/619,323	JENNINGS ET AL.					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Cedencors of them may be enabled under the provised of 30 °Rf 113(6). In no event, nower, may are type temply life of the provised under the provised by the state of this communication, report if timely filled, may reduce any exercer plants are supplication. 1) Responsive to communication(s) filled on 11 September 2006. 2a) This action is FINAL. 2b) Responsive to communication (s) filled on 11 September 2006. 2a) This action is FINAL. 2b) Responsive to communication is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 72-73 and 79-108 is/are pending in the application. 4a) Of the above claim(s) 82-108 is/are withdrawn from consideration. 5		Office Action Summary	Examiner	Art Unit					
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ***INCHEVER IS LONGER, FROM THE MAILING DATE OF THE MAILING DATE OF THE MAILIN			Maher M. Haddad	1644					
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be waited used the provisions of 37 CFR 11360, hin event, however, may a reply be finely filled after 50 K (6) MONTHS from the mailing date of this communication of 37 CFR 11360, hin event, however, may a reply be finely filled after 50 K (6) MONTHS from the mailing date of this communication of the provision of the provi			ppears on the cover sheet with the	correspondence address					
1)⊠ Responsive to communication(s) filed on 11 September 2006. 2a)□ This action is FINAL. 2b)⊠ This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)☑ Claim(s) 72-75 and 79-108 is/are pending in the application. 4a) Of the above claim(s) 82-108 is/are withdrawn from consideration. 5)□ Claim(s) 72-73 fand 79-81 is/are rejected. 7)□ Claim(s) 1/2 is/are objected to. 8)□ Claim(s) 2/2 is/are objected to. 9)□ The specification is objected to by the Examiner. 10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner. Application Papers 9)□ The paperification is objected to by the Examiner. 10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)□ All b)□ Some * c)□ None of: 1.□ Certified copies of the priority documents have been received. Attachment(s) 1) ☑ Notice of Dratsperson's Patent Drawing Review (PTO-948) 3)□ Information Disclosure Statement(s) (PTO-892) 4)□ Information Disclosure Statement(s) (PTO-9580) 5)□ Notice of Dratsperson's Patent Drawing Review (PTO-948)	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any								
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 72:75 and 79-108 is/are pending in the application. 4a) Of the above claim(s) 82-108 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * ○) None of:	Status	:							
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 72:75 and 79-108 is/are pending in the application. 4a) Of the above claim(s) 82-108 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * ○) None of:	1) 🛛	Responsive to communication(s) filed on 11 September 2006							
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 72-75 and 79-108 is/are pending in the application. 4a) Of the above claim(s) 82-108 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 72-73 75 and 79-81 is/are rejected. 7) Claim(s) 74 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filled on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some *c) None of: 1 Certified copies of the priority documents have been received. 2 Certified copies of the priority documents have been received in Application No 3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of Preftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB08)									
Al) Claim(s) 72-75 and 79-108 is/are pending in the application. 4a) Of the above claim(s) 82-108 is/are withdrawn from consideration. 5) Claim(s)	3) 🗌								
4)		closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
4a) Of the above claim(s) 82-108 is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) 72.73.75 and 79-81 is/are rejected. 7) □ Claim(s) 74 is/are objected to. 8) □ Claim(s) 74 is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☑ Notice of Paterneose Cited (PTO-892) □ Notice of Paterneose Cited (PTO-892) □ Notice of Paterneose Cited (PTO-892) □ Notice of Informal Patent Application	Disposition of Claims								
5) Claim(s) is/are allowed. 6) Claim(s) 72.73,75 and 79-81 is/are rejected. 7) Claim(s) 74 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some *c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of Patersperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application	4)⊠	Claim(s) 72-75 and 79-108 is/are pending in	the application.						
6) Claim(s) 72.73.75 and 79-81 is/are rejected. 7) Claim(s) 74 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB08) 5) Notice of Informal Patent Application		· · · · · · · · · · · · · · · · · · ·							
7) Claim(s)	5)	5) Claim(s) is/are allowed.							
Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application	6)⊠	6)⊠ Claim(s) <u>72,73,75 and 79-81</u> is/are rejected.							
Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1 Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application	7)🖂	7)⊠ Claim(s) <u>74</u> is/are objected to.							
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)	8)□	Claim(s) are subject to restriction and	/or election requirement.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application	Applicati	on Papers							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)	9)	The specification is objected to by the Exami	ner.						
Replacement.drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application	10)								
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☑ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) 5) ☐ Notice of Informal Patent Application		Applicant may not request that any objection to the	ne drawing(s) be held in abeyance. Se	ee 37 CFR 1.85(a).					
Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☑ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)		Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☑ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) 10 ☐ Notice of Informal Patent Application	11)	11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application	Priority ι	ınder 35 U.S.C. § 119							
2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☑ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) 5) ☐ Notice of Informal Patent Application	a) All b) Some * c) None of:								
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☑ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) 5) ☐ Notice of Informal Patent Application									
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) * See the attached detailed Office action for a list of the certified copies not received. 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application		<u> </u>							
* See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) * See the attached detailed Office action for a list of the certified copies not received. 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application		·							
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application									
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application									
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application		į							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application	Attachmen	t(s)							
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date. Notice of Informal Patent Application									
-, — ···································			Paper No(s)/Mail D						
			· —	г аселс друговногі					

Application/Control Number: 10/619,323

Art Unit: 1644

÷

RESPONSE TO APPLICANT'S AMENDMENT

- 1. Applicant's amendment, filed 9/11/06, is acknowledged.
- 2. Claims 72-75 and 79-108 are pending.
- 3. Claims 82-108 are withdrawn from further consideration by the Examiner, 37 C.F.R.
- § 1.142(b) as being drawn to nonelected inventions.
- 4. Claims 72-75 and 79-81 are under consideration in the instant application as they read on a polypeptide that is a fragment of human CD9 and a chimeric protein wherein the fragment is SEQ ID NOs: 3-6.
- 5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 72 and 80-81 are rejected under 35 U.S.C. 102(b) as being anticipated by US. Pat. No. 5,439,886.

The `886 patent teaches a CD9 polypeptide fragment comprises 29 amino acids of 164-192 of human CD9 (SDIC<u>PKKDVLETFTVKSCPDAI</u>KEVFDNK), wherein said polypeptide comprises claimed SEQ ID NO: 5 and 6 (see patented SEQ ID NO: 6 and col., 21, under peptide 3 in particular).

The reference teachings anticipate the claimed invention.

8. Claims 72, 75 and 79-81 are rejected under 35 U.S.C. 102(b) as being anticipated by Ryu et al (Cell Struct Funct. 2000 Oct;25(5):317-327).

Rye et al teach several chimeric CD9 polypeptides comprising EC2 domain of CD9 molecule (see Fig 1 in particular). EC2 of human CD9 comprises claimed SEQ ID NOS: 4-6.

The reference teachings anticipate the claimed invention.

9. Claims 72-73, 79-81 are rejected under 35 U.S.C. 102(b) as being anticipated by Crossno. J.T (Dissertation, Vol. 60(10B), 1999).

Crossno teaches a peptide fragment of human CD9, wherein the peptide is SEQ ID NO: 4 KDEPQRETLAIHYALNCCGLAGGVEQFISDICPKKDV, or SEQ ID NO: 6

Art Unit: 1644

PKKDVLETFTVKSCPDAI (see page 75, peptide 5b and 6, Table 3.1 and Figure 3.1 in particular). Further, Crossno teaches a peptide of human CD9 comprising amino acids 152-192 (see page 139, Fig. 5.2 in particular), said peptide comprises SEQ ID NO: 5.

The reference teachings anticipate the claimed invention.

10. Claim 74 is allowed.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maher Haddad whose telephone number is (571) 272-0845. The examiner can normally be reached Monday through Friday from 7:30 am to 4:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 27, 2006

Maher Haddad, Ph.D. Primary Examiner

Maker Wachal

Technology Center 1600